

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:21-00210

RAY RAMIREZ-BUENO

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion for a continuance of trial and all related deadlines. (ECF No. 31.) In support of defendant's motion, counsel for defendant explains that after the recent pretrial hearing, counsel was contacted by a member of defendant's family with information regarding potential witnesses. Counsel needs to obtain additional information regarding these potential witnesses and interview them. Counsel requests a continuance of approximately sixty days. The United States does not oppose the motion.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).


Accordingly, the court **ORDERS** as follows:

1. Jury Instructions and Proposed Voir Dire are due by **October 18, 2022;**
2. Trial of this action is continued to **October 25, 2022, at 9:30 a.m.** in Bluefield; and
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

**IT IS SO ORDERED** this 5th day of August, 2022.

ENTER:

A handwritten signature in dark ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge